UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/468,617	12/21/1999	Robert J. Munger	FS-00464	3841

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EXAMINER
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ART UNIT	PAPER NUMBER
2123	

DATE MAILED: 09/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on 6-22-2005.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-10* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1 and 3-10* is/are rejected.

7)☒ Claim(s) *2* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

1.   **Claims 1-10** have been presented for reconsideration in view of Applicants' amended

claim language and arguments.

Response to Arguments

2.   Applicants' arguments submitted on 6-22-2005 have been fully and carefully considered.

The Examiner's response is as follows:

2.1   Regarding Applicants' response to the 35 USC § 102(b) rejection of independent claim 1,

Applicants' argued on page 6 of the 6-22-2005 responses, *[nothing is seen in de Gyarfas et al.*

which contemplates modification on the graphics authoring workstation 12 of the operating

environment simulation developed by the graphics authoring workstation 12 during the course of

a training or other simulation, much less by means of a simulator.]

The Examiner respectfully traverses Applicants' argument. It is noted by the Examiner that the

de Gyarfas et al. reference discloses the following, (Col. 11 lines 15-25) "Selecting a menu

allows the user to select a command from that menu, for example by selecting the "System"

menu the user is able to select one of the systems commands for the *courseware graphics*

editor. The system menu will permit the user to put the system into six different modes

including video overlay device authoring mode, video overlay static graphics mode, video

overlay courseware graphics mode, high resolution device authoring mode, high resolution

static graphics mode, and high resolution courseware graphics mode." The Examiner notes that

by being able to put the *courseware graphics editor* into six different *modes* the user is able to

modify the graphics on the graphics workstation which can then be used by the simulator.

2.2   As regards the argument presented on page 7 of the of the 6-22-2005 response,

Applicants' argued, *[While these updates appear to allow modifications of graphics, there is no*

indication that they can be performed from the training simulation workstation or during the

course of simulation, much less from the training simulation workstation.]

The Examiner respectfully traverses Applicants' argument. The Examiner notes that

Applicants' are arguing language, which is not in the claims. Applicants' independent claims do

not contain the terms, *"training simulation workstation"* nor does the current claim language

claim a requirement that modifications to the operator interface take place, *"during the course*

of simulation" therefore the Examiner notes that there is no requirement to provide a teaching,

that discloses these argued limitations.

2.3   As regards the argument presented on page 7 of the 6-22-2005 response, Applicants'

agued, *[there appears to be no generation of an operator interface simulation program from the*

data authored on another workstation (e.g. other than the simulation program which is

authored or modified by the authoring workstations) and certainly no teaching or suggesting or

reprogramming of the interface (e.g. as distinct from the simulated interface or the computer by

which the simulated interface is produced) by modifying definitional tables in the course of

simulation or through use of the training simulation workstation of deGyarfas et al.]

The Examiner respectfully traverses Applicants' argument. The Examiner notes that the

de Gyarfas et al. reference discloses programming the operator interface (Col. 4 lines 62-67 and

Col. 5 lines 1-10, These graphics overlays will be *programmed in software* stored on the

removable media storage device 78. They are *generated* and overlayed by means of the

graphics generator 54 and graphics overlay card 56 in the glass student training system 16

shown in FIG. 4. The graphics overlays are manipulability by touching the touch screen 64, 66,

68 at the appropriate location in front of the graphics overlay. FIG. 6a-6k show examples of

input devices which may be simulated and FIG. 6l shows an example of an output device. *It*

will be appreciated that other kinds of devices may be simulated such as maintenance action

devices for training in maintenance procedures and for other special device types.) Other types

of devices require that the operator interface be *reprogrammed*, and as regards the limitation of

updating a table the Examiner notes that a *"database"* is functionally equivalent to a plurality

of tables. The *de Gyarfas et al.* reference teaches a database that contains definitions of the

governing attributes of the operator interface (Figures 7 and 8, Col. 7 lines 3-9, Col. 7 lines 52-

68, Col. 8 lines 1-10, Col. 9 lines 10-66).

2.4 As regards the Applicants' arguments on page 8 of the 6-22-2005 responses, Applicants'

argued, *[de Gyarfas et al. is arranged primarily to provide training with respect to a given*

although arbitrarily changeable operational environment rather that for development of that

operational environment, per se, in accordance with the invention and its meritorious effects.]

The Examiner respectfully traverses Applicants' arguments and points to dependent claim 9 "A

method as recited in claim 8, wherein the simulator program is used to *train* operators in a

control and display system defined by the operator system interface.

2.5 As regards Applicants' arguments on page 8 of the 6-22-2005 responses, Applicants'

argued, *[Therefore, it is clearly seen that de Gyarfas et al. does not, in fact teach (or suggest)*

any generation of a simulated interface from information for generating an actual interface

much less generation of a simulation program therefrom,] The Examiner respectfully traverses

Applicants' arguments, the *de Gyarfas et al.* reference is not required to teach an *actual* interface

because this term is not present in the current claim language. Further and as regards the

argument by the Applicants' that the *de Gyarfas et al.* reference does not teach generating a

simulated operator interface, please see section 2.3 of this Office Action.

2.6   As regards Applicants' arguments on page 8 of the 6-22-2005 responses, Applicants'

argued, *[de Gyarfas et al. does not modify data produced at either of the authoring workstations*

from the training simulation workstations and the only way the last paragraph of claim 1 could

be asserted to be even colorably answered by de Gyarfas et al., particularly in the passage of

column 12, relied upon by the Examiner, is by reading the simulated manipulable control

actuation as interface data and the confusing the interface simulation/simulator programming

with programming the actual system producing the actual interface]. The Examiner respectfully

traverses Applicants' arguments, In response to applicant's argument that the references fail to

show certain features of applicant's invention, it is noted that the features upon which applicant

relies (i.e., producing an <u>actual</u> interface and <u>actual</u> system) are not recited in the rejected

claim(s). Although the claims are interpreted in light of the specification, limitations from the

specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26

USPQ2d 1057 (Fed. Cir. 1993).

2.7   The Examiner has found Applicants' arguments to be unpersuasive and upholds the

previously applied 35 USC § 102(b) rejections of the claims.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3.   Independent **Claim 1** and dependent **Claims 3-10** are rejected under 35 U.S.C. 102(b) as being anticipated by **de Gyarfas et al. U.S. Patent 5,286,202.**

3.1   As regards independent **Claim 1** the *de Gyarfas et al.* reference teaches, *a method of programming an operator system interface with a simulator* (**Col. 2 Lines 50-57**),

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"The Term "glass trainer" as used herein which means a training system as

described herein which uses overlaid images on video monitors to simulate the

appearance of the hardware controls in a plurality of control states for

different hardware. The glass trainer of the invention thus avoids the cost,

expense and time associated with simulating a variety of different hardware

in a variety of operating states."
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Providing, as an input to a computing device other than a computing device said operator system interface, **(Figure 1 items 18, 24 and 16),** item 18 is the "Graphics Authoring Workstation" where the *"operator interface"* is programmed, item 16 is the "Glass Student Training Station" where the actual simulation of the *"operator interface"* is provided for training. Also see **(Figures 2, 3 and 4).**

Definitional tables for said operator interface, wherein said tables define specific governing attributes of said operator system interface, the Examiner notes that a *"database"* is functionally equivalent to a plurality of tables. The *de Gyarfas et al.* reference teaches a database that contains definitions of the governing attributes of the operator interface **(Figures 7 and 8, Col. 7 lines 3-9, Col. 7 lines 52-68, Col. 8 lines 1-10, Col. 9 lines 10-66).**

Generating an operator system interface simulator program distinct from said operator system interface, wherein, when the simulator program is run on said computing device other than said computing device providing said operator system interface, said simulator program performs display of a representation of the operator system interface defined by the definitional tables input in the providing step and allows a user to select components of the operator system interface using a pointing device **(Figure(s) 1, 2, 3, 6a-6l, & 8 Col. 2 lines 58-68, Col. 3 lines 1-29, Col. 5 lines 2-68** all of **Col. 6** and **Col. 7 lines 30-51),** as regards the *"pointing device"* see **Figure 3** item **44.**

In order to view information about the selected component on a display device, **(Figure 4 item 64, 66 and 68, Col. 3 lines 57-60),** *or to effect a change in keysets or menus* **(Figures 6a-6l, and Figure 9, Col. 11 lines 5-25),** *thereby modifying said representation of the operator system interface within said simulator program, and modifying said definitional tables* (database) *to correspond to said modifying of said representation to reprogram said operator system interface* **(Col. 12 lines 22-29, Figure 1 item 18).**

3.2 As regards dependent **Claim 3** the *de Gyarfas et al.* reference teaches generating the operator interface using the definitional database *(tables)* **(Col. 12 lines 22-29)** and developing an operational operator interfaces **(Col. 1 lines 42-48** *hardware mockups are used for developing actual systems).*

3.3 As regards dependent **Claims 4-7** see **(Col. 1 lines 59-68 and Col. 2 lines 1-18).**

3.4 As regards dependent **Claim 8** the *de Gyarfas et al.* reference teaches using a personal computer **(Figure 3 Col. 3 lines 24-29).**

3.5   As regards dependent **Claims 9 and 10** the *de Gyarfas et al.* reference teaches

training and demonstration **(Figure 1 item 26, Col. 1 lines 59-68, Col. 2 lines 1-18).**

Allowable Subject Matter

4.   Dependent **Claim 2** is objected to as being dependent upon a rejected base claim, but

would be allowable if rewritten in independent form including all of the limitations of the base

claim and any intervening claims. The following limitation, in combination with other limitations

is neither anticipated nor made obvious by the prior art, *"generating tables to be used in a*

software requirements specification".

Conclusion

5.   **Claims 1-10** have been presented for reconsideration in view of Applicants request for

reconsideration and amended claim language. **Claims 1 and 3-10** are rejected. **Claim 2** is

objected to.

5.1   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the mailing

date of this final action.

5.2   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Dwin M. Craig whose telephone number is (571) 272-3710. The

examiner can normally be reached on 10:00 - 6:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Leo P. Picard can be reached on (571) 272-3749. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DMC

Paul L. Rodriguez   9/19/05
Primary Examiner
Art Unit 2125